



Nevada State Board of Medical Examiners

*** * * MINUTES * * ***

OPEN SESSION TELEPHONE CONFERENCE BOARD MEETING

Held in the Conference Room at the Offices of the
Nevada State Board of Medical Examiners
1105 Terminal Way, Suite 301, Reno, NV 89502

and teleconferenced to:

the Conference Room at the Offices of the
Nevada State Board of Dental Examiners
6010 S. Rainbow Boulevard, Building A, Suite 1, Las Vegas, Nevada 89118

WEDNESDAY, FEBRUARY 24, 2010 – 3:00 P.M.

Board Members Present at Board Office

Michael J. Fischer, M.D.
Valerie J. Clark, BSN, RHU, LUTCF

Board Members Present by Telephone

Van V. Heffner
Beverly A. Neyland, M.D.
Ronald Kline, M.D. (ad hoc Board Member)
Robert Wiencek Jr., M.D. (ad hoc Board Member)

Board Members Absent/Not Participating

Charles N. Held, M.D., President
Benjamin J. Rodriguez, M.D., Vice President
Renee West, Secretary-Treasurer
Javaid Anwar, M.D.
Theodore B. Berndt, M.D.

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Staff Present at Board Office

Douglas C. Cooper, CMBI, Interim Executive Director
Lyn E. Beggs, J.D., General Counsel
Edward O. Cousineau, J.D., General Counsel
Laurie L. Munson, Chief of Administration and Information Systems
Pamela J. Castagnola, CMBI, Acting Chief of Investigations
Lynnette L. Daniels, Chief of Licensing
Angelia L. Donohoe, Legal Assistant
Jerry C. Calvanese, M.D., Medical Reviewer

Also Present by Telephone

Keith D. Marcher, J.D., Senior Deputy Attorney General
Kim Mandelbaum, Esq.

Agenda Item 1

CALL TO ORDER AND ANNOUNCEMENTS

- Roll Call/Quorum
- Michael J. Fischer, M.D., Board Member

The AT&T telephone conference call operator took roll call of those participating by telephone.

The meeting was called to order by Board Member Michael J. Fischer, M.D., at 3:00 p.m.

Ms. Beggs took roll call of the Board Members present at the Board Office and those present via telephone. She then announced there was a quorum. She then named those staff members present at the Board office.

Kim Mandelbaum, Esq. entered her appearance on behalf of Dr. Desai and Mr. Marcher entered his appearance on behalf of the Board.

Agenda Item 2

CONSIDERATION OF VOLUNTARY SURRENDER OF MEDICAL LICENSE OF DIPAK DESAI, M.D.

- Lyn E. Beggs, J.D., General Counsel; Kim Mandelbaum, Esq.

Ms. Beggs stated this matter was being considered at a special meeting because the offer of voluntary surrender was made after the agenda had been finalized for the upcoming quarterly Board Meeting, and it was deemed that action should be taken upon it as soon as possible.

Ms. Beggs specified that the only matter before the Board was the voluntary surrender proffered by Dr. Desai under NAC 630.240, due to his incapacity to competently practice medicine as a result of a series of strokes that have left him physically and mentally impaired. The voluntary surrender would have no affect or impact on the pending disciplinary complaint regarding the hepatitis C outbreak at the Endoscopy Center of Southern Nevada, as it is an entirely separate matter. If accepted, the surrender would be irrevocable and absolute and

would be reportable to the National Practitioner Data Bank. To effectuate the voluntary surrender, Dr. Desai had sent, through his counsel, his actual physical license and a sworn statement signed by his wife, Kusum Desai, on his behalf, pursuant to a springing durable power of attorney.

Ms. Beggs noted, for clarification, that the public order that had been issued last summer addressed Dr. Desai's competency to proceed forward in the disciplinary matter regarding the Endoscopy Center, and was separate and apart from the matter before the Board at the meeting. What the Board was being asked to do was to either accept or reject the voluntary surrender of Dr. Desai's license.

Mr. Heffner moved that the Board accept the voluntary surrender of medical license of Dr. Desai. Dr. Neyland seconded the motion, and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Agenda Item 3
PUBLIC COMMENT

Dr. Fischer asked whether there were any members of the public present who would like to make a public comment, and there were none.

ADJOURNMENT

Mr. Heffner moved to adjourn the meeting. Dr. Neyland seconded the motion, and it passed. Dr. Fischer adjourned the meeting at 3:10 p.m.

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